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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CAE SOUND, on behalf of itself and all others similarly situated,) Case No. 14-cv-04677-LB
Plaintiff,)
v.) Master File No.: 14-cv-03264-JD
Elna Co., Ltd.,)
Elna America Inc.,)
Hitachi Chemical Co., Ltd.,)
Hitachi Chemical Co. America, Ltd.,)
KEMET Corporation,)
KEMET Electronics Corporation,)
Matsuo Electric Co., Ltd.,)
NEC TOKIN Corporation,)
NEC TOKIN America Inc.,)
Nichicon Corporation,)
Nichicon America Corporation,)
Nippon Chemi-Con Corporation,)
United Chemi-Con, Inc.,)
Panasonic Corporation,)
Panasonic Corporation of North America, **SANYO Electric Co., Ltd.**,)
SANYO Electronic Device (U.S.A.) Corporation,)
Rubycon Corporation,)
Rubycon America Inc., and)
Toshin Kogyo Co., Ltd.,)
Defendants.)
)

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL LOCAL RULE 3-12

The Honorable James Donato

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL LOCAL RULE 3-12

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff CAE Sound submits this Administrative Motion
 3 to Consider Whether Cases Should be Related pursuant to Civil Local Rules 3-12 and 7-11.
 4 Plaintiff requests the Court to consolidate *CAE Sound v. Elna Co., Ltd.*, Case No. 14-cv-04677-
 5 LB (“CAE Sound Action”), with *In re Capacitors Antitrust Litigation*, Master File No. 3:14-cv-
 6 03264-JD, for all pretrial proceedings before this Court.

7 **A. INTRODUCTION**

8 On October 2, 2014, the Honorable James Donato issued a Consolidation and Case
 9 Management Order (ECF No. 133) consolidating Case Nos. 3:14-cv-03264-JD, 3:14-cv-03300-
 10 JD, 3:14-cv-03698-JD, 3:14-cv-03815-JD, and 3:14-cv-04123-JD into *In re Capacitors*
 11 *Antitrust Litigation*, Master File No. 14-3264, for all pretrial proceedings. These cases concern
 12 an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for aluminum and tantalum
 13 electrolytic capacitors.

14 The CAE Sound Action meets the requirements of Civil Local Rules 3-12 and 7-11 to be
 15 related to *In re Capacitors Antitrust Litigation*. Plaintiff CAE Sound respectfully requests the
 16 Court issue the proposed order formally relating this case to *In re Capacitors Antitrust*
 17 *Litigation*.

18 **B. RELATIONSHIP OF THE ACTIONS**

19 The CAE Sound Action involves substantially the same parties and events as cases that
 20 are part of *In re Capacitors Antitrust Litigation*. All actions allege that defendants engaged in a
 21 conspiracy to fix, raise, maintain, and/or stabilize prices for aluminum and tantalum electrolytic
 22 capacitors, in violation of the Sherman Act, 15 U.S.C. § 1 and/or California’s antitrust and
 23 unfair competition laws.

24 Plaintiff CAE Sound seeks to represent a class of indirect purchasers that bought
 25 capacitors from U.S. distributors for incorporation into other products.

26 As set forth in Local Rule 3-12(a)(2), it appears likely that there will be an unduly
 27 burdensome duplication of labor and expense or the possibility of conflicting results if the cases
 28

1 are conducted before different judges. Therefore, it will be more efficient for all cases to
 2 proceed before the same judge so that these analyses and determinations are made by one Court.

3 **C. CONCLUSION**

4 This action satisfies the criteria of Rule 3-12(b)(2). Plaintiff CAE Sound therefore
 5 respectfully requests that this case be deemed related to *In re Capacitors Antitrust Litigation*
 6 and that it be assigned to the Honorable James Donato.

7
 8 Dated: October 21, 2014

Respectfully submitted,

9 /s/ Steven N. Williams

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